GOVERNMENT OF KERALA.
1968

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

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Legislature Secretariat

NOTIFICATION

No. 4118-LA4/68. *Dated, Trivandrum, 14th August 1968.*

The following Bill together with the Statement of Objects and Reasons, is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

V. P. N. Nambudiri,

Secretary,

Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1968.

(L. A. Bill No. 32 of 1968)

THE KERALA INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) AMENDMENT BILL, 1968.

A
BILL

to amend the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958.

Preamble.—WHEREAS it is expedient to amend the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958, for the purposes hereinafter appearing;

BE it enacted in the Nineteenth year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Industrial Establishments (National and Festival Holidays) Amendment Act, 1968.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of section 3.*—To section 3 of the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958 (47 of 1958) (hereinafter referred to as the principal Act), the following proviso shall be added, namely:—

"Provided that in the case of an industrial establishment which commences work after the commencement of a calendar year, the number of holidays for festivals allowable to an employee under this section during the remainder of that calendar year shall be fixed by the Inspector, so however that the number so fixed shall not be less than the number calculated at the rate of one day for every three months or part thereof of the remainder of such calendar year".

3. *Insertion of new section 4A.*—After section 4 of the principal Act, the following section shall be inserted, namely:—

"4A. *Power of employer to require employee to work on holidays.*—(1) Notwithstanding anything contained in section 3, an employer may, by notice in writing, require any employee to work on any holiday allowed under that section, and the employee shall be bound to work on that holiday if—

(a) the notice has been served on the employee in the prescribed manner;

(b) a copy of the notice has been sent to the Inspector and another copy thereof has been displayed in the premises of the industrial establishment, not less than twenty four hours before such holiday".

4. *Amendment of section 5.*—In sub-section (3) of section 5 of the principal Act, for the provisos, the following proviso and Explanation shall be substituted, namely:—

"Provided that no such employee shall be entitled to be paid any wages for any of the holidays allowed under section 3, other than the 26th January, the 15th August and the 1st May, unless he has been in the service under the employer for a total period of thirty days within a continuous period of ninety days immediately preceding such holiday.

Explanation.—A weekly or other holiday or authorised leave availed of by an employee shall be included in computing the period of thirty days mentioned in the preceding proviso."

5. *Amendment of section 12.*—For sub-section (3) of section 12 of the principal Act, the following sub-section shall be substituted, namely:—

"(3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule".

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958 (47 of 1958), provides for the grant of four festival holidays in every calendar year to employees of industrial establishments. But, the Act makes no mention as to the number of such holidays to be granted to the employees in the case of an industrial establishment which commences work after the commencement of a calendar year. It is considered that employees of such establishments should be granted proportionate number of festival holidays for the remaining part of the calendar year.

2. There is no provision in the Act enabling an employer to require an employee to work on any holiday allowed under the Act. It may be necessary to carry on work on such holidays also and therefore it is proposed to make a provision enabling the employer to require the employee to work on such holidays.

3. According to sub-section (3) of section 5 of the Act no employee shall be entitled to be paid wages for any of the holidays allowed under the Act if his name was not on the rolls of the industrial establishment continuously for a month immediately prior to the holiday or if he was enjoying leave with pay. It is considered that it is not fair to insist on a particular minimum period of service under the employee to entitle an employee to wages for the three national holidays which are allowed without the option of the employees. In the case of festival holidays also, the existing condition is causing hardship to the employees. It is also considered that an employee on leave with pay should also be entitled to wages for such holidays. It is therefore proposed to amend the Act suitably to provide that in the case of national holidays, the employee shall be entitled to wages irrespective of the period of service under the employer and that in the case of festival holidays the employee shall be entitled to wages if he has been in service for a total period of thirty days within a continuous period of ninety days.

4. The Bill is intended to achieve the above objects. Opportunity is also proposed to be taken to recast sub-section (3) of section 12 to bring it in the usual form.

MATHAI MANJOORAN.

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GOVERNMENT OF KERALA

Development Department (Panchayat Elections)

NOTIFICATIONS

I

G. O. MS. No. 403/68/DD. *Dated, Trivandrum*, 14*th August* 1968.

S. R. O. No. 351/68.—Whereas representations have been received by Government to constitute two Panchayat areas viz., Orumanayur and Kadappuram in the place of the existing Orumanayur Panchayat area;

And whereas the Government have given notice and a reasonable opportunity to the Panchayat concerned to show cause against the proposal as required by the proviso to sub-section (1) of section 3 of the Kerala Panchayats Act, 1960 (32 of 1960), and have considered the opinion of the Panchayat;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 3 of the said Act, the Government of Kerala hereby cancel the declaration of the Orumanayur Panchayat area made in Notification No. G. O. MS. 161/61(1)/DD dated 20-11-1961 with effect from 17-8-1968.

II

G.O. MS. No. 403-2/68/DD. *Dated, Trivandrum, 14th August* 1968.

S. R. O. No. 352/68.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 of the Kerala Panchayats Act, 1960 (32 of 1960), the Government of Kerala hereby declare the areas within the boundaries specified in column (2) of the Schedule below, which are situated in the Taluk specified in the corresponding entry in cloumn (1) thereof, to be Panchayat areas for the purpose of the said Act and that the respective Panchayats and Headquarters shall be known by the name specified in the corresponding entries in columns (3) and (4) thereof respectively with effect from 17-8-1968.

SCHEDULE

Taluk (1)	*Boundaries* (2)	*Name of Panchayat* (3)	*Name of Headquarters* (4)
Chowghat	South—Chettuvay Ferry North—Mananthala Amsom West—Cannoly Canal East—Guruvayur, Pavaratty and Vemnad Amsom	Orumanayur	Orumanayur
Chowghat	West—Arabian sea East—Gannoly Canal South—Chettuvay Ferry. North—Manathala Amsom	Kadappuram	Vattekkad

III

G.O. MS. No. 403-3/68/DD. *Dated, Trivandrum, 14th August* 1968.

S. R. O. No. 353/68.—Whereas Government in Notification S. R. O. No. 352/68 dated 14-8-1968 have declared the Orumanayur and Kadappuram Panchayat area specified in column (2) of the schedule below under clause (a) of sub-section (1) of section 3 of the Kerala Panchayats Act, 1960 (32 of 1960);

And whereas Government are satisfied that Panchayats cannot now be constituted by reasons of difficulty in holding election of the members thereof for the said Panchayat area;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 13 of the said Act, the Government of Kerala hereby appoint an Administrative Committee and a President thereof with the persons specified in column (3) of the schedule below for each of the Panchayats

specified in the corresponding entries in column (2) and situated in the Taluk mentioned in the corresponding entries in column (1) thereof with effect from 17-8-1968 and specify that the Administrative Committee and its President shall hold office till 1st January 1969.

SCHEDULE

Taluk	*Name of Panchayat*	*Name and address*	*Designation*
(1)	(2)	(3)	(4)
Chowghat	Orumanayur	1. Sri. P. R. Moidu, Puzhangara Illath Ramanchath House, Orumanayur P. O.	President
		2. Sri. P. Kadar, S/o Sri Kunhi Moidu, Orumanayur P. O.	Vice-President
		3. Sri. K. K. Appu, Kaipada House, Karuvarakundu, Orumanayur P. O.	Member
Chowghat	Kadappuram	1. K. C. Koyakutty Thangal, C/o Bukkarayil Imbichi Thangal, Kadappuram P. O.	President
		2. Sri. P. C. Hameed, Puduyaveettil Chalil House, Kadappuram	Vice-President
		3. P. K. Moidunni Hajee, Panikkaveetil, Kottilingal House, Vatteckad P. O.	Member
		4. Sri. M. Abu, Madappen House, Erattupuzha, Blangad P. O.	,,
		5 M. M. Madhavan Vaidyan, Melappurakkal House, Blangad P. O.	,,
		6. Sri A. K. Sayed Mohamed, Kadappuram P. O.	,,

By order of the Governor,

R. RAMACHANDRAN NAIR,
Deputy Secretary.

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GOVERNMENT OF KERALA

Political and Military (B) Department

NOTIFICATION

No. 67867|PM-B2|68|PD. *Dated, Trivandrum, 14th August 1968.*

In exercise of the powers conferred by sub rule (i) of Rule 62 of the Defence of India Rules, 1962, the Government of Kerala hereby make the following amendments to the Notification No. 62848|PM B2|68|PD dated 23-7-1968, No. 67867|PM-B2|68.|PD, dated 9-8-1968.

Amendments

In the said notifications, the dates and the duration of danger time mentioned as para VII will be corrected as follows for the dates commencing from 10-8-1968:

Duration of danger time (Revised):

Dates	*Danger time I*	*Danger time II*
16th Aug. 1968 to 1st Sept. 1968.	Between 0930 and 1630 hrs. (IST)	Between 2200 and 2400 hrs. (IST)

By order of the Governor,

S. NAGANATHAN,
Joint Secretary.

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